



Town of Clifton, Virginia
P.O. Box 309
Clifton, VA 20124

August 7, 2020

VIA CERTIFIED US MAIL,
RETURN RECEIPT REQUESTED

Mona & Mark Harrington
12752 Chapel Street
Clifton, VA 20124

THIRD NOTICE RE: FINAL USE PERMIT REQUIRED

Dear Mona & Mark Harrington:

On January 9, 2020, May 8, 2020, June 4, 2020, and July 22, 2020, notices were sent to you via US mail and electronic mail informing you that a Final Use Permit is required for the detached garage built on lot 42, and explaining the process for legally recording your approved lot consolidation application at Fairfax County's Department of Land Records, as required by the approval of your application to consolidate lots 42 and 41A, and as required by Town Code Section 10-58(c).

The requirements for obtaining a Preliminary and Final Use Permit are governed by Section 9-10(d) of the Town Code and are listed as conditions on the Preliminary Use Permit that was issued to you, namely:

"1. The following minimum requirements must be met prior to preliminary issuance of a Residential or Non-Residential Use Permit:

- A. Compliance with the zoning district regulations;
- B. Provision of adequate parking;
- C. Issuance of an ARB Certificate of Appropriateness (or a waiver from the Chairman of the ARB);
- D. For any use that will result in a land disturbing activity that will exceed an area of 2,500 square feet, submission of a plan of development as described in the Town's Chesapeake Bay Preservation Ordinance; and

E. Compliance with such other provisions as may be deemed reasonable and necessary by the Town Council to fulfill the purpose and intent of the Zoning Ordinance of the Town of Clifton and the Historic Overlay District. [Emphasis added].

2. The following minimum requirements must be met prior to final issuance of a Residential or Non-Residential Use Permit:

A. Completion of the work or change, covered by the preliminary issuance of the Residential or Non-Residential Use Permit, in compliance with the minimum requirements set forth in paragraph 1, of this subsection and such other requirements as may be set forth in the Residential or Non-Residential Use Permit.”

With respect to Section 9-10(d)(E.), one applicable provision to fulfill the purpose and intent of the Zoning Ordinance is the Sewer Policy that remains in effect by and between the Town of Clifton and the Board of Supervisors of Fairfax County, Virginia, a copy of which is attached to this letter. In particular, see item 3. of the Memo to the Board of Supervisors that was approved on 8/5/1991 which stipulates that:

“3. If all other requirements of law are met including, but not limited to, the Fairfax County Code, Building Code, Plumbing Code and Clifton Zoning Ordinance, then auxiliary buildings on lots with an existing sewer connection may be connected to the main building’s sewer lateral and approved administratively, **if both the main and auxiliary building’s plumbing fixture unit count does not exceed 30 fixture units and both the auxiliary and main buildings are on the same lot.**” [Emphasis added].

Connecting the detached garage on lot 42 to the sewer lateral of the main building on lot 41A without first consolidating the two lots constitutes a violation of the Sewer Policy and one or more provisions of the Town’s Zoning Ordinance. This violation may result in fines and other legal action as set forth in Section 9-25(a) of the Town Code, to wit:

“Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.”

To remedy the violations, you must do one of the following within thirty (30) days of the date of this letter:

1). Finalize and legally record the lot consolidation deed, plat and any documents required by the Fairfax County Clerk’s Office through Fairfax County’s Department of Land Records and submit evidence of the successful recording to the Town of Clifton by sending Clerk-stamped copies of the recorded documents to the Town Clerk through either email at clerk@cliftonva.gov or US mail at P.O. Box 309, Clifton, Virginia, 20124; or,

2). Remove the pipe(s) that connect(s) the detached garage on lot 42 to the main building on lot 41A and submit the evidence of such removal to the Town of Clifton via the Town Clerk through either email or US mail as listed above.

Should you have any questions about the requirements or the procedure, please do not hesitate to contact me at the email address provided above. To review the Town Code, please visit our website at <http://cliftonva.gov/towncouncil/legislation/>

Sincerely,



Amanda Christman, Clerk
Town of Clifton, Virginia

Cc: Kathy Kalinowski, Chair, Planning Commission
William R. Hollaway, Mayor, Town of Clifton
Fairfax County Department of Public Works, Division of Waste Management



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
DEPARTMENT OF PUBLIC WORKS
PENDER MILL BUILDING
3930 PENDER DRIVE
FAIRFAX, VIRGINIA 22030



October 9, 1991

Mr. Wayne Nickum, Mayor
Town of Clifton
7156 Main Street
Clifton, Virginia 22024

Dear Mayor Nickum:

Enclosed is a copy of the Clifton Sewer Policy which was approved by the Board of Supervisors on August 5, 1991, for your files.

Sincerely,

DEPARTMENT OF PUBLIC WORKS
Office of Waste Management

Richard J. Gozikowski
Director

RJG/lw

Enclosure

DIRECTOR, DPW	# 1984
<input checked="" type="checkbox"/>	Ofc. Cap. Fac.
<input checked="" type="checkbox"/>	Ofc. Waste Mgmt.
<input type="checkbox"/>	Ofc. Rd. Prog. Mgmt.
<input type="checkbox"/>	File:
Date: AUG 12 1991	

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FAIRFAX COUNTY, VIRGINIA
MEMORANDUM

TO: John di Zerega, Director
Department of Public Works

FROM: Anthony H. Griffin *AHG*
Deputy County Executive for
Planning and Development

SUBJECT: Sewer Policy for the Town of Clifton (Springfield
District)

DATA: August 7,, 1991

At its meeting on August 5, 1991, the Board of Supervisors concurred in the recommendation of staff and reaffirmed its 1974 policy for providing sewer within the Town of Clifton. The Board also approved sewer connections at 12631 Water Street and 12817 Chapel Street, Town of Clifton.

AHG:mlh

<i>2/4</i>	OFFICE OF WASTE MANAGEMENT
<input checked="" type="checkbox"/>	SEMD
<input type="checkbox"/>	LMD
<input type="checkbox"/>	WWTD
<input type="checkbox"/>	SWCR
<input type="checkbox"/>	SWDRR
DATE AUG 14 1991	

FOR BOARD PACKAGE

0077

TO: COUNTY EXECUTIVE

DATE:

JUL 28 1991

Anthony H. Griffin
Deputy County Executive

FROM: John W. di Zerega
Director, Department of Public Works

ITEM TYPE: Action

ITEM FOR BOARD MEETING ON: August 5, 1991
Date

TITLE: Sewer Policy for the Town of Clifton

AUTHOR: Jimmie D. Jenkins, Director
System Engineering and Monitoring Division

Phone No.: 246-5030

THIS ITEM HAS BEEN COORDINATED WITH: (Indicate if not applicable)

- (X) County Attorney
- () OMB
- ()
- ()

Jill Rowe JR *[Signature]*

 N/A

DISTRICT: Springfield

Is there need for Supervisor to be advised of this item?
() Yes, and Supervisor has been advised. (X) No

IS PROPOSED BOARD DATE CRITICAL? () Yes (X) No EXPLAIN: _____

IS FUNDING INVOLVED? () Yes () No

If YES, give amount, source: _____

ADVERTISEMENT: If this item authorizes a public hearing, the advertisement should be attached.
Is the ad attached? () Yes () No EXPLAIN: _____

WHAT ACTION, EVENT, OR REQUEST INSTIGATED THIS ITEM? _____

COMMENTS: (Any special action necessary, etc.?)

WORD PROCESSOR DOCUMENT I.D. NO.: 0355b/vol. 3

OPERATOR NAME: Karen Lowery

TELEPHONE: 246-5030

August 5, 1991

A-4. Sewer Policy for the Town of Clifton (Springfield District).

ISSUE: Reaffirmation of the Board of Supervisors' 1974 policy for providing sewer within the Town of Clifton, including concurrence with staff's implementation of that policy, and adoption for the future of a comprehensive policy which incorporates the foregoing. Consideration of sewer connections at 12631 Water Street and 12817 Chapel Street, Town of Clifton.

RECOMMENDATION: I recommend that the Board reaffirm its 1974 policy for Clifton sewer, including concurring with staff's implementation of that policy, and adopt for the future a comprehensive sewer policy for Clifton which incorporates the foregoing. I recommend also that the Board approve sewer connections at 12631 Water Street and 12817 Chapel Street, Town of Clifton, for the reasons discussed below.

TIMING: Routine.

BACKGROUND: There have been recent inquiries concerning the Board's policy on sewer service in the Town of Clifton. From time to time, the Board has taken some specific actions regarding sewer in the Town of Clifton, and staff has developed procedures and interpretations of these Board actions to enforce the Board's actions. This item is being brought to the Board to ensure that staff has been enforcing the policy for sewer in the Town of Clifton as desired by the Board of Supervisors and to specifically state the policy for the future.

The Board of Supervisors stated on May 22, 1972, "No additional sewer connection fees will be accepted prior to authorization for and completion of sewer treatment facilities in the Clifton area." On January 7, 1974, the Board amended the above statement by authorizing, "the staff to grant sanitary sewer connections administratively to those existing single-family residences in the Town of Clifton which are presently served by pit privies, have been identified as health hazards and front on the existing sewer line."

The above 1974 Board policy has been interpreted over the years to permit the following structures to connect to sewer administratively: buildings existing at the time of the Board's resolution with malfunctioning septic units, including existing non-residential facilities. Conversion of existing residences connected to the sewer system to commercial use has also been permitted if it is demonstrated that the sewage flow from the commercial use is comparable to that of a single-family residence. The guideline for allowing conversion of a residential to commercial structure is to limit the commercial structure to 30 fixture units, which has been considered roughly the equivalent in terms of availability fee

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Memo to the Board

paid and roughly the equivalent on average in terms of flow to a single-family residence. Of course, these structures (residential or commercial) must comply with all other requirements of law including, but not limited to, the Building Code, Plumbing Code, Clifton Zoning Ordinance, etc.

The 1974 policy has also been interpreted to permit auxiliary buildings on a lot in the Town to connect to the main building's lateral provided that both the main and auxiliary buildings' plumbing fixture unit count does not exceed 30 fixture units, both buildings are on the same lot and all other requirements of law are complied with including, but not limited to, the Building Code, Plumbing Code, and Clifton Zoning Ordinance.

Staff has not tried to restrict residential or commercial building improvements on a lot which is approved for sewer in Clifton as long as the improvements involve plumbing fixture units totaling 30 fixture units or less on the lot, and, of course, all other requirements of law are complied with. Requests for sewer service in the Town of Clifton which exceed 30 fixture units or are for a new building on a lot not approved for sewer are referred to the Board of Supervisors for action. An analysis of the quantity of sewage flow and its impact on the Clifton sewer system is provided to the Board with these referrals for consideration by the Board in making their decision. An example of such a referral to the Board is the recently approved construction of the improvements to the Clifton Fire Station.

Currently, there are ten lots within the Town of Clifton which have structures that existed in 1974 served by septic systems that front on existing sewer lines (see attachment). Therefore, pursuant to the 1974 policy, staff can administratively authorize these lots to connect to sewer in the future if the septic systems develop problems. There are currently 56 connections to the Clifton sewer system including the Clifton Elementary School.

Based on the foregoing, for purposes of clarification, staff recommends that the Board reaffirm the 1974 sewer policy for Clifton, including concurring with staff's implementation of that policy, and adopt for the future the following statement as its Clifton sewer policy which incorporates the foregoing reaffirmation of the 1974 sewer policy and concurrence with staff's implementation of that policy:

1. Pursuant to the 1974 sewer policy, only the ten lots with septic systems identified in the attachment will be permitted to connect to the sewer administratively if problems develop in the septic systems of these properties,

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provided all requirements of law are met including, but not limited to, the Fairfax County Code, Building Code, Plumbing Code, and Clifton Zoning Ordinance.

2. Existing connections of commercially or industrially zoned properties to the sewer which currently have residential uses may be converted to commercial or industrial uses and approved administratively if the total plumbing fixture unit count on the one lot is less than 30 fixture units, the projected sewage flow from the connection does not exceed 370 gallons per day and all other requirements of law are met including, but not limited to, the Fairfax County Code, Building Code, Plumbing Code and Clifton Zoning Ordinance.

3. If all other requirements of law are met including, but not limited to, the Fairfax County Code, Building Code, Plumbing Code and Clifton Zoning Ordinance, then auxiliary buildings on lots with an existing sewer connection may be connected to the main building's sewer lateral and approved administratively, if both the main and auxiliary buildings' plumbing fixture unit count does not exceed 30 fixture units and both the auxiliary and main buildings are on the same lot.

4. All other requests for sewer service must be reviewed by the Town Council of the Town of Clifton and approved by the Board of Supervisors. The County will notify the Town of Clifton of all requests for sewer service, and permit the Town to review all data submitted to the County and provide input to the County with respect to such requests.

It should be noted that the Clifton Town Council has reviewed this four point policy and concurs with the policy as proposed.

Staff recommends the Board also approve a sewer connection at 12817 Chapel Street, Clifton. This residence does not front on the sewer line, however, sewer is available across Chapel Street on the adjoining lot. Leonard Whorton, County Executive at the time, approved this sewer connection by letter of August 25, 1976 (copy attached). Staff does not believe this residence meets the criteria of "frontage on sewer" required for administrative approval and is, therefore, asking the Board to approve the connection.

In a related matter, the Department of Public Works has received a request from Mr. James P. Franca to connect his house at 12631 Water Street to sewer. This residence is not permitted to connect under the above discussed administrative approval since it does not front on an existing sewer line. The residence can be connected to sewer by the construction of a house lateral across an adjoining lot (79C) and connecting to

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the sewer in School Street. The Health Department, by letter of June 21, 1991 (copy attached), has informed Mr. Franca that the septic system serving the residence is failing and, "...Therefore, the dwelling must be connected to the available public sewerage system no later than August 20, 1991." Since this dwelling was constructed prior to 1974, the septic system has failed creating a health hazard, and the residence may be connected to the existing public sewer without extension of the County-owned sewer system, staff recommends the Board approve this request. The Board should be aware that there may be other properties similar to the Franca's in the Town of Clifton which may in the future need to be considered by the Board for approval to connect to the sewer since they will not meet the criteria established in the above discussed policy for administrative approval.

ENCLOSED DOCUMENTS: List of properties eligible to connect to sewer administratively; map of the Town of Clifton; July 3, 1991 letter from the Town of Clifton; June 24, 1991 letter from James P. Franca; June 21, 1991 letter from Dennis A. Hill; August 25, 1976 memorandum and letter from Leonard Whorton.

STAFF: Anthony H. Griffin, Deputy County Executive for Planning and Development; John W. di Zerega, Director, Department of Public Works; R. J. Gozikowski, Director, Office of Waste Management.

TOWN OF CLIFTON

The following properties within the Town of Clifton are eligible to connect to the sanitary sewer system:

12800 Richards Lane
075-4-/02/ /0014

12801 Chapel Street*
075-4-/02/ /0046

12718 Chestnut Road
075-4-/02/ /0051

7203 Main Street
075-4-/02/ /0088

7200 Main Street
075-4-/02/ /0089

7178 Clifton Road
075-4-/02/ /0104

7223 Dell Avenue
085-2-/02/ /0005

7225 Dell Avenue
085-2-/02/ /0006

7237 Dell Avenue
085-2-/02/ /0009

7239 Dell Avenue
085-2-/02/ /0011

These lots are highlighted on the attached map.
*Fees paid to connect to sewer on October 10, 1969; Grandfathered.

doc: 1328h

AUG 5 1991

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(1)

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